

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

*Df 10/10*

United States of America	)
v.	)
Miguel Angel Nava-Serna,	)
a.k.a.: Miguel Angel Nava Serna,	)
a.k.a.: Miguel Angel Nava,	)
(A205 721 308)	)
<i>Defendant</i>	

Case No. 17-6353MJ

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 1, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Miguel Angel Nava-Serna, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Ysidro, California, on or about November 27, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

*CEB*

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jillian M. Besancon

Continued on the attached sheet.




---

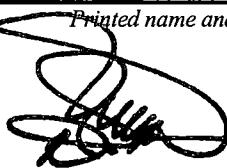
Complainant's signature

---

Marcus D. Leggett,  
Deportation Officer

---

Printed name and title




---

Judge's signature

Sworn to before me and signed in my presence.

Date: October 3, 2017

City and state: Phoenix, Arizona

David K. Duncan,  
United States Magistrate Judge

---

Printed name and title

## **STATEMENT OF PROBABLE CAUSE**

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 1, 2017, Miguel Angel Nava-Serna was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Nava-Serna was examined by ICE Officer B. Jansen who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On October 1, 2017, Nava-Serna was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Nava-Serna was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Miguel Angel Nava-Serna to be a citizen of Mexico and a previously deported criminal alien. Nava-Serna was removed from the United States to Mexico through San Ysidro, California, on or about November 27, 2013, pursuant to an order of removal issued by an immigration judge. There is no record of Nava-Serna in any Department of Homeland Security database to suggest

that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Nava-Serna's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Miguel Angel Nava-Serna was convicted of Forgery, a felony offense, on February 27, 2002, in the Superior Court of California, County of Kern. Nava-Serna was sentenced to six (6) months' incarceration and three (3) years' probation. Nava-Serna's criminal history was matched to him by electronic fingerprint comparison.
5. On October 1, 2017, Miguel Angel Nava-Serna was advised of his constitutional rights. Nava-Serna freely and willingly acknowledged his rights and agreed to provide a statement under oath. Nava-Serna stated that his true and complete name is Miguel Angel Nava Serna and that he is a citizen of Mexico. Nava-Serna stated that he illegally entered the United States four (4) years ago, through Calexico. Nava-Serna further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 1, 2017, Miguel Angel Nava-Serna, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at San Ysidro, California, on or about November 27, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to

reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



---

Marcus D. Leggett,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 3<sup>rd</sup> day of October, 2017.



---

David K. Duncan,  
United States Magistrate Judge